

**BEFORE THE  
DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation )  
Against: )

**ERIC ANTHONY PEPER, M.D.** )

File No. 16-2005-165729

Physician's and Surgeon's )  
Certificate No. G 54484 )

Respondent )  
\_\_\_\_\_ )

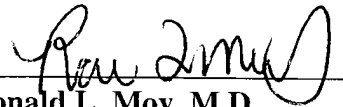
**DECISION**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Division of Medical Quality of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on June 30, 2006

IT IS SO ORDERED June 1, 2006.

MEDICAL BOARD OF CALIFORNIA

By:   
**Ronald L. Moy, M.D.**  
**Chair**  
Panel B  
Division of Medical Quality

1 BILL LOCKYER, Attorney General  
of the State of California  
2 JOSE R. GUERRERO  
Supervising Deputy Attorney General  
3 JANE ZACK SIMON  
Deputy Attorney General [SBN 116564]  
4 455 Golden Gate Avenue, Suite 11000  
San Francisco, CA 94102  
5 Telephone: (415) 703-5544  
Fax: (415) 703-5408  
6 Attorneys for Complainant

7  
8 **BEFORE THE**  
**DIVISION OF MEDICAL QUALITY**  
**MEDICAL BOARD OF CALIFORNIA**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 **In the Matter of the Accusation Against:**

12 **ERIC ANTHONY PEPER, M.D.**  
13 4620 Kannah Creek  
14 Whitewater, CO 81527

15 Physician and Surgeon's Certificate  
16 No. G54484

17  
18 **Respondent,**

**Case No.: 16-2005-165729**

**STIPULATED SETTLEMENT  
AND DISCIPLINARY ORDER**

19 In the interest of a prompt and speedy settlement of this matter, consistent with the  
20 public interest and the responsibility of the Division of Medical Quality, Medical Board of  
21 California, Department of Consumer Affairs ("Division") the parties hereby agree to the  
22 following Stipulated Settlement and Disciplinary Order which will be submitted to the Division  
23 for its approval and adoption as the final disposition of the Accusation.

24 1. David T. Thornton is the Executive Director of the Medical Board of  
25 California and the complainant herein. This action was maintained solely in his official capacity  
26 and he is represented in this matter by Bill Lockyer, Attorney General of the State of California,  
27 by Jane Zack Simon, Deputy Attorney General.

28 2. Respondent Eric Anthony Peper, M.D. ("respondent") is represented in

1 this matter by Edward A. Hinshaw of the Law Offices of Hinshaw, Draa, Marsh, Still &  
2 Hinshaw, 12901 Saratoga Avenue, Saratoga, CA 95070.

3           3.       At all times relevant herein, respondent has been licensed by the Medical  
4 Board of California under License No.G54484. Respondent's license is renewed and current,  
5 and will expire, unless renewed, on October 31, 2006.

6           4.       Accusation No. 16-2005-165729 (hereinafter the "Accusation") was filed  
7 before the Division and is currently pending against respondent. The Accusation, together with  
8 all other statutorily required documents, was duly served on respondent, and respondent filed a  
9 Notice of Defense contesting the Accusation. A copy of the Accusation is attached as Exhibit A  
10 and incorporated herein by reference.

11           5.       Respondent has discussed with his counsel and fully understands the  
12 nature of the charges alleged in the Accusation and the effects of this stipulation.

13           6.       Respondent understands that the charges and allegations in the  
14 Accusation, if proven at a hearing, constitute cause for imposing discipline upon his license.  
15 Respondent is fully aware of his legal rights and that, but for this stipulation, he would be  
16 entitled: to a hearing on the charges and allegations in the Accusation; to be represented by  
17 counsel, at his own expense, in all proceedings in this matter; to confront and cross-examine the  
18 witnesses against him; to present evidence on his own behalf and to the issuance of subpoenas to  
19 compel the attendance of witnesses and the production of documents; to reconsideration and  
20 appeal of an adverse decision; and all other rights accorded pursuant to the California  
21 Administrative Procedure Act and other applicable laws.

22           7.       With these rights in mind, respondent freely, voluntarily, knowingly and  
23 intelligently waives and gives up each and every right set forth above.

24           8.       Respondent admits that he was disciplined by the Colorado State Board of  
25 medical Examiners as set forth in the Accusation. Respondent agrees that he has thereby  
26 subjected his California certificate to disciplinary action. Since the imposition of the Colorado  
27 disciplinary order, respondent has undergone an evaluation by the Center for Personalized  
28 Education for Physicians (CPEP) in Colorado, and he is currently participating in an educational

1 and training program designed and monitored by the CPEP program.

2 9. Respondent agrees to be bound by the Division's imposition of discipline  
3 as set forth in the Order below.

4 10. This stipulation shall be subject to the approval of the Division.  
5 Respondent understands and agrees that Board staff and counsel for complainant may  
6 communicate directly with the Division regarding this stipulation and settlement, without notice  
7 to or participation by respondent or his attorney. Respondent further agrees that he shall not be  
8 entitled to view or copy any of the written communications with the Board referred to above. If  
9 the Division fails to adopt this stipulation as its Order, the stipulation shall be of no force or  
10 effect, it shall be inadmissible in any legal action between the parties, and the Division shall not  
11 be disqualified from further action in this matter by virtue of its consideration of this stipulation.

12 11. In consideration of the foregoing admissions and stipulations, the parties  
13 agree that the Division shall, without further notice or formal proceeding, issue and enter the  
14 following Disciplinary Order:

15 **DISCIPLINARY ORDER**

16 12. **IT IS HEREBY ORDERED** that Physician and Surgeon's License No.  
17 G54484 heretofore issued to respondent is revoked. However, the revocation is stayed and  
18 respondent is placed on probation for three (3) years on the following terms and conditions:

19 13. **Clinical Training Program:** Respondent shall complete the clinical  
20 training program recommended for him by the Colorado Center for Personalized Education for  
21 Physicians. Respondent shall not practice medicine in California until he has successfully  
22 completed the CPEP program, and has provided the Division or its designee written proof of  
23 successful completion of that program. The clinical training program shall be at respondent's  
24 expense.

25 14. **Practice Monitor:** Within 30 calendar days of the effective date of this  
26 Decision, respondent shall submit to the Division or its designee for prior approval as a practice  
27 monitor, the name and qualifications of one or more licensed physicians and surgeons whose  
28 licenses are valid and in good standing, and who are preferably American Board of Medical

1 Specialties (ABMS) certified. A monitor shall have no prior or current business or personal  
2 relationship with respondent, or other relationship that could reasonably be expected to  
3 compromise the ability of the monitor to render fair and unbiased reports to the Division,  
4 including but not limited to any form of bartering, shall be in respondent's field of practice, and  
5 must agree to serve as respondent's monitor. Respondent shall pay all monitoring costs.

6 The Division or its designee shall provide the approved monitor with copies of the  
7 Decision and Accusation, and a proposed monitoring plan. Within 15 calendar days of receipt of  
8 the Decision, Accusation, and proposed monitoring plan, the monitor shall submit a signed  
9 statement that the monitor has read the Decision and Accusation, fully understands the role of a  
10 monitor, and agrees or disagrees with the proposed monitoring plan. If the monitor  
11 disagrees with the proposed monitoring plan, the monitor shall submit a revised monitoring plan  
12 with the signed statement.

13 Within 60 calendar days of the effective date of this Decision, and continuing  
14 throughout probation, respondent's practice shall be monitored by the approved monitor.  
15 Respondent shall make all records available for immediate inspection and copying on the  
16 premises by the monitor at all times during business hours and shall retain the records for the  
17 entire term of probation.

18 The monitor shall submit a quarterly written report to the Division or its designee  
19 which includes an evaluation of respondent's performance, indicating whether respondent's  
20 practices are within the standards of practice of medicine, and whether respondent is practicing  
21 medicine safely. It shall be the sole responsibility of respondent to ensure that the monitor  
22 submits the quarterly written reports to the Division or its designee within 10 calendar days after  
23 the end of the preceding quarter.

24 If the monitor resigns or is no longer available, respondent shall, within 5 calendar  
25 days of such resignation or unavailability, submit to the Division or its designee, for prior  
26 approval, the name and qualifications of a replacement monitor who will be assuming that  
27 responsibility within 15 calendar days. If respondent fails to obtain approval of a replacement  
28 monitor within 30 days of the resignation or unavailability of the monitor, respondent shall be

1 suspended from the practice of medicine until a replacement monitor is approved and prepared to  
2 assume immediate monitoring responsibility. Respondent shall cease the practice of medicine  
3 within 3 calendar days after being so notified by the Division or designee.

4 Failure to maintain all records, or to make all appropriate records available for  
5 immediate inspection and copying on the premises, or to comply with this condition as outlined  
6 above is a violation of probation.

7 15. **Continuing Education Course:** Within 60 calendar days of the effective  
8 date of this Decision, and on an annual basis thereafter, respondent shall submit to the Division  
9 or its designee for its prior approval an educational program(s) or course(s) which shall not be  
10 less than 25 hours per year, for each year of probation. The educational program(s) or course(s)  
11 shall be aimed at correcting any areas of deficient practice or knowledge and shall be Category I  
12 certified, limited to classroom, conference, or seminar settings. The educational program(s) or  
13 course(s) shall be at respondent's expense and shall be in addition to the Continuing Medical  
14 Education (CME) requirements for renewal of licensure. Following the completion of each  
15 course, the Division or its designee may administer an examination to test respondent's  
16 knowledge of the course. Respondent shall provide written proof of attendance at the CME  
17 courses.

#### 18 **STANDARD TERMS AND CONDITIONS**

19 16. **Notification:** Prior to engaging in the practice of medicine in California,  
20 the respondent shall provide a true copy of the Decision and Accusation to the Chief of Staff or  
21 the Chief Executive Officer at every hospital where privileges or membership are extended to  
22 respondent, at any other facility where respondent engages in the practice of medicine, including  
23 all physician and locum tenens registries or other similar agencies, and to the Chief Executive  
24 Officer at every insurance carrier which extends malpractice insurance coverage to respondent.  
25 Respondent shall submit proof of compliance to the Division or its designee within 15 calendar  
26 days. This condition shall apply to any change(s) in hospitals, other facilities or insurance  
27 carrier.

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1                   17.     **Supervision of Physician Assistants:** During probation, respondent is  
2 prohibited from supervising physician assistants.

3                   18.     **Obey All Laws:** Respondent shall obey all federal, state and local laws,  
4 all rules governing the practice of medicine in California and remain in full compliance with any  
5 court ordered criminal probation, payments, and other orders.

6                   19.     **Quarterly Declarations:** Respondent shall submit quarterly declarations  
7 under penalty of perjury on forms provided by the Division, stating whether there has been  
8 compliance with all the conditions of probation. Respondent shall submit quarterly declarations  
9 not later than 10 calendar days after the end of the preceding quarter.

10                  20.     **Probation Unit Compliance:** Respondent shall comply with the  
11 Division's probation unit. Respondent shall, at all times, keep the Division informed of  
12 respondent's business and residence addresses. Changes of such addresses shall be immediately  
13 communicated in writing to the Division or its designee. Under no circumstances shall a post  
14 office box serve as an address of record, except as allowed by Business and Professions Code  
15 section 2021(b). Respondent shall not engage in the practice of medicine in respondent's place of  
16 residence. Respondent shall maintain a current and renewed California physician's and surgeon's  
17 license. Respondent shall immediately inform the Division or its designee, in writing, of travel  
18 to any areas outside the jurisdiction of California which lasts, or is contemplated to last, more  
19 than thirty (30) calendar days.

20                  21.     **Interview with the Division or it's Designee:** Respondent shall be  
21 available in person for interviews either at respondent's place of business or at the probation unit  
22 office, with the Division or its designee upon request at various intervals and either with or  
23 without prior notice throughout the term of probation.

24                  22.     **Residing or Practicing Out-of-State:** In the event respondent should  
25 leave the State of California to reside or to practice respondent shall notify the Division or its  
26 designee in writing 30 calendar days prior to the dates of departure and return. Non-practice is  
27 defined as any period of time exceeding thirty calendar days in which respondent is not engaging  
28 in any activities defined in sections 2051 and 2052 of the Business and Professions Code.

1 All time spent in an intensive training program outside the State of California which has been  
2 approved by the Division or its designee shall be considered as time spent in the practice of  
3 medicine within the State. A Board-ordered suspension of practice shall not be considered as a  
4 period of non-practice.

5           Periods of temporary or permanent residence or practice outside California will  
6 not apply to the reduction of the probationary term. Periods of temporary or permanent residence  
7 or practice outside California will relieve respondent of the responsibility to comply with the  
8 probationary terms and conditions with the exception of this condition and the following terms  
9 and conditions of probation: Obey All Laws and Probation Unit Compliance. Respondent's  
10 license shall be automatically canceled if respondent's periods of temporary or permanent  
11 residence or practice outside California totals two years. However, respondent's license shall not  
12 be canceled as long as respondent is residing and practicing medicine in another state of the  
13 United States and is on active probation with the medical licensing authority of that state, in  
14 which case the two year period shall begin on the date probation is completed or terminated in  
15 that state. Any respondent disciplined under B&P Code sections 141(a) or 2305 (another state  
16 discipline) may petition for modification or termination of penalty: 1) if the other state's  
17 discipline terms are modified, terminated or reduced; and 2) if at least one year has elapsed from  
18 the effective date of the California discipline.

19           23. **Failure to Practice Medicine - California Resident:** In the event  
20 respondent resides in the State of California and for any reason respondent stops practicing  
21 medicine in California, respondent shall notify the Division or its designee in writing within 30  
22 calendar days prior to the dates of non-practice and return to practice. Any period of non-  
23 practice within California, as defined in this condition, will not apply to the reduction of the  
24 probationary term and does not relieve respondent of the responsibility to comply with the terms  
25 and conditions of probation. Non-practice is defined as any period of time exceeding thirty  
26 calendar days in which respondent is not engaging in any activities defined in sections 2051 and  
27 2052 of the Business and Professions Code. All time spent in an intensive training program  
28 which has been approved by the Division or its designee shall be considered time spent in the



1 practice of medicine. For purposes of this condition, non-practice due to a Board-ordered  
2 suspension or in compliance with any other condition of probation, shall not be considered a  
3 period of non-practice.

4 Respondent's license shall be automatically canceled if respondent resides in  
5 California and for a total of two years, fails to engage in California in any of the activities  
6 described in Business and Professions Code sections 2051 and 2052.

7 24. **Completion of Probation:** Respondent shall comply with all financial  
8 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the  
9 completion of probation. Upon completion successful of probation, respondent's certificate shall  
10 be fully restored.

11 25. **Violation of Probation:** Failure to fully comply with any term or  
12 condition of probation is a violation of probation. If respondent violates probation in any respect,  
13 the Division, after giving respondent notice and the opportunity to be heard, may revoke  
14 probation and carry out the disciplinary order that was stayed. If an Accusation, or Petition to  
15 Revoke Probation, or an Interim Suspension Order is filed against respondent during probation,  
16 the Division shall have continuing jurisdiction until the matter is final, and the period of  
17 probation shall be extended until the matter is final.

18 26. **License Surrender:** Following the effective date of this Decision, if  
19 respondent ceases practicing due to retirement, health reasons or is otherwise unable to satisfy  
20 the terms and conditions of probation, respondent may request the voluntary surrender of  
21 respondent's license. The Division reserves the right to evaluate respondent's request and to  
22 exercise its discretion whether or not to grant the request, or to take any other action deemed  
23 appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender,  
24 respondent shall within 15 calendar days deliver respondent's wallet and wall certificate to the  
25 Division or its designee and respondent shall no longer practice medicine. Respondent will no  
26 longer be subject to the terms and conditions of probation and the surrender of respondent's  
27 license shall be deemed disciplinary action. If respondent re-applies for a medical license, the  
28 application shall be treated as a petition for reinstatement of a revoked certificate.

27. **Probation Monitoring Costs:** Respondent shall pay the costs associated with probation monitoring each and every year of probation, as designated by the Division. The costs are currently \$3,173.00, and may be adjusted on an annual basis. Such cost shall be payable to the Medical Board of California and delivered to the Division or its designee no later than January 31 of each calendar year. Failure to pay costs within 30 calendar days of the due date is a violation of probation.

## ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order. I understand the effect this stipulation will have on my license and agree to be bound thereby. I enter into this Stipulated Settlement and Disciplinary Order knowingly, voluntarily, freely and intelligently. I agree that a FAX copy of my signature shall have the same force and effect as an original.

DATED: 4/28/06

**ERIC ANTHONY PEPPER, M.D.**  
Respondent

## APPROVAL

I have fully discussed with respondent the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order and approve its form and content.

DATED: 5-1-06

**EDWARD A. HINSHAW**  
Law Offices of Hinshaw, Draa,  
Marsh, Still & Hinshaw

Attorneys for Respondent

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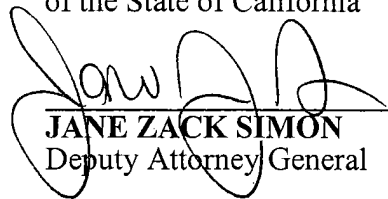
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1 ENDORSEMENT

2 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
3 submitted for consideration of the Division of Medical Quality, Medical Board of California,  
4 Department of Consumer Affairs.

5 DATED: 5/2/06

6  
7 BILL LOCKYER, Attorney General  
8 of the State of California

9   
10 JANE ZACK SIMON  
11 Deputy Attorney General

12 Attorneys for Complainant  
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# **Exhibit A**

1 BILL LOCKYER, Attorney General  
of the State of California  
2 JOSE R. GUERRERO  
Supervising Deputy Attorney General  
3 JANE ZACK SIMON  
Deputy Attorney General [SBN 116564]  
4 455 Golden Gate Avenue, Suite 11000  
San Francisco, California 94102  
5 Telephone: (415) 703-5544  
Facsimile: (415) 703-5480  
6

7 Attorneys for Complainant

8  
9 **BEFORE THE**  
**DIVISION OF MEDICAL QUALITY**  
**MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against: )

Case No. 16-2005-165729

12 **ERIC ANTHONY PEPER, M.D.,**  
13 4620 Kannah Creek  
Whitewater, CO 81527 )

**A C C U S A T I O N**

14 Physician and Surgeon's  
15 Certificate No. G54484 )

16 Respondent.  
17 )

18  
19  
20 The Complainant alleges:

21 **PARTIES**

22 1. Complainant David T. Thornton is the Executive Director of the Medical  
23 Board of California (hereinafter the "Board") and brings this accusation solely in his official  
24 capacity.

25 2. On or about March 25, 1985, Physician and Surgeon's Certificate No.  
26 G54484 was issued by the Board to Eric Anthony Peper, M.D. (hereinafter "respondent").  
27 Respondent's certificate is renewed and current with an expiration date of October 31, 2006.

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3. This accusation is brought before the Division of Medical Quality of the

A. Section 2227 of the Code provides in part that the Board may revoke,

B. Section 125.3 of the Code provides, in part, that the Board may request the

C. Section 2305 of the Code provides, in part, that the revocation, suspension,

#### D. Section 141 of the Code

"(a) For any licensee holding a license issued by a board under the

"(b) Nothing in this section shall preclude a board from applying a

1 specific statutory provision in the licensing act administered by the board that provides  
2 for discipline based upon a disciplinary action taken against the licensee by another state,  
3 an agency of the federal government, or another country."

4 E. Welfare and Institutions Code section 14124.12 provides, in part, that a  
5 physician whose license has been placed on probation by the Medical Board shall not be  
6 reimbursed by Medi-Cal for "the type of surgical service or invasive procedure that gave  
7 rise to the probation."

8 4. Respondent is subject to discipline within the meaning of section 141 and  
9 is guilty of unprofessional conduct within the meaning of section 2305 as more particularly set  
10 forth herein below.

11 **FIRST CAUSE FOR DISCIPLINE**

12 (Discipline, Restriction, or Limitation Imposed by Another State)

13 5. On or about March 17, 2005, the Colorado State Board of Medical  
14 Examiners issued a Stipulation and Final Agency Order regarding respondent's license to  
15 practice medicine in Colorado. The Colorado Board found that, based on respondent's two year  
16 "hiatus" from his surgical practice, it was appropriate to complete a plan should he decide to  
17 return to a surgical practice. Respondent agreed not to engage in surgical practice in Colorado  
18 until he set forth a plan demonstrating how his pre-operative, intra-operative and post-operative  
19 evaluation, judgment and decision making would be refreshed and evaluated, and how his  
20 technical surgical and documentation skills would be refreshed and evaluated. In the event  
21 respondent elects to enter a non-surgical medical practice, he will be required to satisfactorily  
22 complete the CPEP Education Program for the area of practice in question, and to undergo any  
23 education or training recommended by CPEP. The Stipulation and Final Agency Order resolved  
24 an investigation by the Colorado Board involving respondent's care and treatment of 19 patients.

25 Attached hereto as Exhibit A is a true and correct copy of the Stipulation and  
26 Final Agency Order issued by the Colorado State Board of Medical Examiners.

27 6. Respondent's conduct and the action of the Colorado State Board of Medical

1 Examiners, as set forth in paragraph 5, above, constitute unprofessional conduct within the  
2 meaning of section 2305 and conduct subject to discipline within the meaning of section 141(a).

3 **PRAYER**

4 **WHEREFORE**, the complainant requests that a hearing be held on the matters  
5 herein alleged, and that following the hearing, the Division issue a decision:

- 6 1. Revoking or suspending Physician and Surgeon's Certificate Number  
7 G54484, heretofore issued to respondent Eric Anthony Peper, M.D.;
- 8 2. Revoking, suspending or denying approval of the respondent's authority to  
9 supervise physician assistants;
- 10 3. Ordering respondent to pay the Division the actual and reasonable costs of  
11 the investigation and enforcement of this case and to pay the costs of probation monitoring upon  
12 order of the Division; and
- 13 4. Taking such other and further action as the Division deems necessary and  
14 proper.

15  
16 DATED: June 28, 2005.

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19 **DAVID T. THORNTON**  
20 Executive Director  
21 Medical Board of California  
22 Department of Consumer Affairs  
23 State of California

24  
25  
26  
27  
Complainant



**Exhibit A**

BEFORE THE STATE BOARD OF MEDICAL EXAMINERS

STATE OF COLORADO

---

**STIPULATION AND FINAL AGENCY ORDER**

---

IN THE MATTER OF THE PROCEEDING REGARDING THE LICENSE TO PRACTICE  
MEDICINE IN THE STATE OF COLORADO OF DR. ERIC A. PEPPER, M.D., LICENSE  
NUMBER 40436,

Respondent.

---

IT IS HEREBY STIPULATED and agreed by and between Inquiry Panel B ("Panel") of the  
Colorado State Board of Medical Examiners ("Board") and Eric A. Pepper, M.D., ("Respondent")  
as follows:

**JURISDICTION AND CASE HISTORY**

1. Respondent was licensed to practice medicine in the state of Colorado on April 16, 2002 and was issued license number 40436, which Respondent has held continuously since that date.
2. The Panel and the Board have jurisdiction over Respondent and over the subject matter of this proceeding.
3. On or about January 15, 2004, the Panel reviewed case number 5103022260, involving 19 patients. The Panel thereupon referred the matter to the Attorney General pursuant to § 12-36-118(4)(c)(IV), C.R.S. This Order is the resolution of the Panel's review.
4. It is the intent of the parties and the purpose of this Stipulation and Final Agency Order ("Order") to provide for a settlement of all matters set forth in case number 5103022260 without the necessity of any further proceedings. This Order constitutes the entire agreement between the parties, and there are no other agreements or promises, written or oral, which modify, interpret, construe or affect this Order.
5. Respondent understands that:
  - a. Respondent has the right to be represented by an attorney of the Respondent's choice, and Respondent is so represented in this matter;
  - b. Respondent has the right to a formal hearing pursuant to § 12-36-118(5), C.R.S.;
  - c. By entering into this Order, Respondent is knowingly and voluntarily giving up the right to any further proceedings to resolve case number 5103022260; and

d. Respondent is knowingly and voluntarily giving up the right to present a defense by oral and documentary evidence and to cross-examine witnesses who would testify on behalf of the Panel.

6. Respondent specifically admits and agrees that he has not practiced surgery for two years.

7. Based upon the above, the Panel is authorized pursuant to the Colorado Medical Practice Act to order conditions upon Respondent's practice that it deems appropriate.

#### **TERMS FOR RE-ENTRY TO SURGICAL PRACTICE**

8. In light of Respondent's hiatus from surgical practice, the parties agree that it is appropriate for Respondent to complete a plan to return to surgical practice. Respondent agrees not to engage in surgical practice in Colorado until he has satisfactorily completed the following plan, as approved by the Panel. The plan shall:

- a. Consist of a minimum of six-months duration;
- b. Set forth how Respondent's pre-operative, intra-operative and post-operative evaluation, judgment and decision-making will be refreshed and evaluated;
- c. Set forth how Respondent's technical surgical skills will be refreshed and evaluated;
- d. Set forth how Respondent's documentation skills will be refreshed and evaluated.

9. The physician with whom Respondent develops the plan must be approved by the Panel.

10. The plan must be approved by the Panel.

11. Upon completion of the plan, Respondent shall submit documentation from the physician approved by the Panel that the Respondent has satisfactorily completed the plan.

12. The documentation required by paragraph 11 must be submitted on or before August 31, 2006. If the documentation is not submitted by this date, Respondent's license will be inactivated.

#### **TERMS REGARDING NON-SURGICAL MEDICAL PRACTICE**

13. Respondent may instead choose to enter a non-surgical medical practice. Prior to providing any non-surgical care in Colorado, Respondent shall satisfactorily complete the CPEP Education Program for the non-surgical medical practice in the area of his choice.

14. The CPEP Assessment will determine whether CPEP recommends that Respondent undergo an educational plan or other education or training program. Hereinafter, the term "Education Program" shall refer to any education plan or other education or training program recommended by CPEP.

15. Respondent shall timely and successfully complete any recommended Education Program, including any post-education evaluation recommended by CPEP ("Post-Education Evaluation").

16. Respondent shall cause CPEP to send a copy of the assessment and any recommended Education Program to the Panel.

17. In order to complete successfully the Post-Education Evaluation, Respondent's performance on the above-referenced Post-Education Evaluation must, in the opinion of CPEP, demonstrate that Respondent has successfully completed the objectives of the Education Program and has integrated this learning into Respondent's medical practice and into Respondent's clinical thinking.

18. Respondent shall provide the Panel with written proof from CPEP upon successful completion of the recommended Education Program, including successful completion of the Post-Education Evaluation as defined above.

#### **TERMINATION OF STIPULATION**

19. Upon satisfactory completion of the Terms for Re-entry to Surgical Practice or the Terms Regarding Non-Surgical Medical Practice, Respondent may request that the stipulation be terminated. If Respondent has complied with the terms of the stipulation, such release shall be granted by the Panel in the form of written notice.

#### **TERMS OF THE ORDER**

20. The terms of this Order were mutually negotiated and determined.

21. Both parties acknowledge that they understand the legal consequences of this Order, both parties enter into this Order voluntarily, and both parties agree that no term or condition of this Order is unconscionable.

22. This Order shall be effective upon approval by the Panel and signature by a Panel member. Respondent acknowledges that the Panel may choose not to accept the terms of this Order and that if the Order is not approved by the Panel and signed by a Panel member, it is void.

23. All costs and expenses incurred by Respondent to comply with this Order shall be the sole responsibility of Respondent, and shall in no way be the obligation of the Board or Panel.

24. Respondent shall obey all state and federal laws during the terms of this stipulation.

25. So that the Board may notify hospitals of this agreement pursuant to § 12-36-118(13), C.R.S., Respondent presently holds privileges at the following hospitals:

\_\_\_\_\_ Community Hospital, Grand Junction, Colorado \_\_\_\_\_

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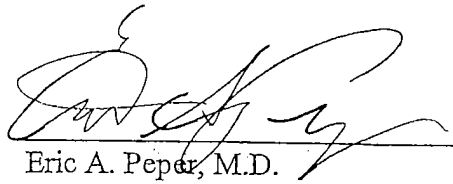
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26. This Order and all its terms shall have the same force and effect as an Order entered after a formal hearing pursuant to § 12-36-118(5)(g)(III), C.R.S., except that it may not be appealed. Failure to comply with the terms of this Order may be sanctioned by the Inquiry Panel as set forth in § 12-36-118(5)(g)(IV), C.R.S. This Order and all its terms also constitute a valid board order for purposes of § 12-36-117(1)(u), C.R.S.

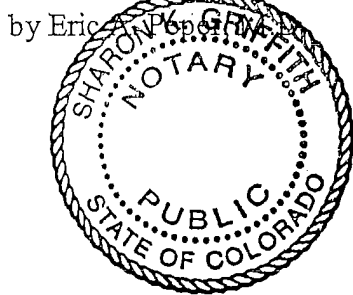
27. This Order shall be admissible as evidence at any future hearing before the Board.

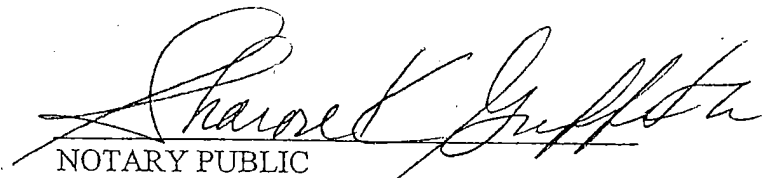
28. During the pendency of any action arising out of this Order, the obligations of the parties shall be deemed to be in full force and effect and shall not be tolled.

29. Upon becoming effective, this Order shall be open to public inspection and publicized pursuant to the Board's standard policies and procedures. Additionally, this Order shall be reported the Federation of State Medical Boards, the National Practitioner Data Bank/Healthcare Integrity and Protection Data Bank and as otherwise required by law.

  
Eric A. Peper, M.D.

The foregoing was acknowledged before me this 25<sup>th</sup> day of February



  
NOTARY PUBLIC

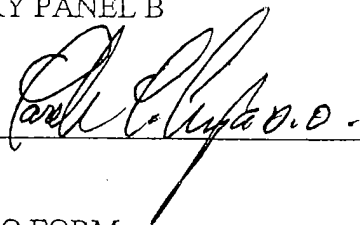
4-11-07  
Commission expiration date

THE FOREGOING Stipulation and Final Agency Order is approved and effective this

17 day of MARCH, 2005.

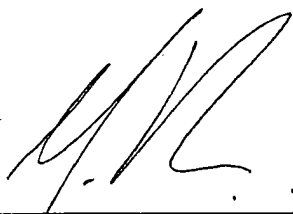
FOR THE COLORADO STATE BOARD OF  
MEDICAL EXAMINERS

INQUIRY PANEL B



APPROVED AS TO FORM:

FOR THE RESPONDENT:

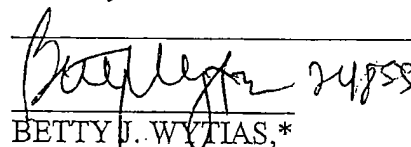


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